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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,670	03/30/2000	Alan David Berenbaum	Berenbaum 7-2-3-3	8309

7590 11/14/2003

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EXAMINER

DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

69/038, 670
file

Office Action Summary

Application No.	Applicant(s)		
Examiner	Group Art Unit		

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 09/02/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Claims 1-16 are presented for examination.
2. The rejection is maintained and set forth below.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung et al. (5,404,469).
5. Chung et al. taught a multithreaded VLIW (col. 5, lines 40-62) including a plurality of functional units (110) executing instructions from instruction stream threads having a priority (col. 3, lines 54-65) and an allocator for selecting and forwarding the instructions to the functional units based on the priority (col. 3, line 54 - col. 4, line 63, col. 3, lines 8-29, col. 7, lines 20-40, col. 8, lines 32-55) and wherein the functional units can be allocated independently to any thread in the multithreaded instruction stream (col. 4, lines 11-63).

As to claim 2, Chung et al. taught the thread priority allows different threads to have different priorities (col. 3, lines 54-65).

As to claim 3, the allocator selects from the thread with the highest priority (col. 3, line 54- col. 4, line 63).

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As to claim 4, Chung et al. taught allocator selects instructions as based on priority (col. 3, line 54- col. 4, line 63) and the availability of resources (col. 3, lines 8-29).

Claims 5, 9, 12, 15 and 16 fail to teach or define claims 1-4 and are rejected for the reasons set forth, above.

As to claims 6 and 13, Chung et al. taught allocating the instruction if the resources is available in the next cycle (col. 3, line 54 - col. 4, line 64).

As to claims 7 and 14, Chung et al. taught the resource is a functional unit (110).

As to claim 8, Chung et al. taught allocator selects instructions as based on priority (col. 3, line 54- col. 4, line 63) and the availability of resources (col. 3, lines 8-29).

As to claim 10, Chung et al. taught the thread priority allows different threads to have different priorities (col. 3, lines 54-65).

As to claim 11, the allocator selects from the thread with the highest priority (col. 3, line 54- col. 4, line 63).

6. Applicant's arguments filed 09/02/03 have been fully considered but they are not persuasive.

In the remarks applicant alleges that Chung et al. failed to teach the functional units can be allocated independently to any thread in the multithreaded instruction stream examiner disagrees as the reference teaches this feature at col. 4, lines 11-63.

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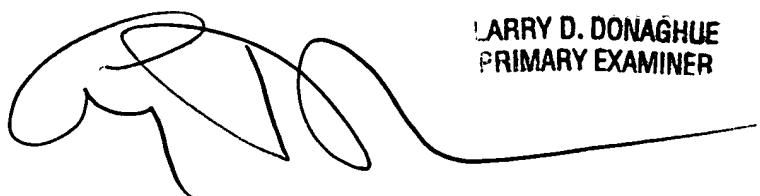
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Donaghue whose telephone number is (703) 305-9675. The examiner can normally be reached on M-F from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



LARRY D. DONAGHUE
PRIMARY EXAMINER